

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

SULLIVAN GRANITE CO., LLC and
CONRAD J. SMITH,

Defendants.

FILE NO.: 1:10-cv-00456-JAW

ORDER ON PRELIMINARY INJUNCTION

Plaintiff Hilda L. Solis, Secretary of Labor, U.S. Department of Labor, having filed on November 4, 2010 a Complaint in this Court together with a Motion for Temporary Restraining Order (TRO) against Sullivan Granite Co., LLC and Conrad J. Smith;

And this Court having held a hearing on the Motion for TRO on November 17, 2010;

And this Court having issued an Order on the Secretary's Motion for TRO on November 19, 2010, which ordered "Conrad J. Smith, doing business as Sullivan Granite Co., LLC, his agents, employees, and all others in active concert and participation with him, are hereby temporarily enjoined from interfering with, hindering, and delaying the Secretary of Labor or her authorized representative in carrying out the provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §801 *et seq.*; violating Withdrawal Orders issued by the Secretary of Labor pursuant to the Act; failing to abate cited violations of safety and health regulations promulgated under the Act; refusing entry into the quarry to authorized representatives of the

Secretary of Labor attempting to conduct inspections authorized by the Act; refusing to allow access to equipment at the quarry (including but not limited to propane tanks, cranes and trucks); refusing and/or failing to provide documents; refusing to provide information upon request; and refusing to provide assistance with said inspection;”

And in consideration of the “Parties Agreement on Proposed Order” filed with this Court on December 7, 2010 and attached hereto;

IT IS HEREBY ORDERED THAT:

Conrad Smith, doing business as Sullivan Granite Co., LLC, his agents, employees, and all others in active concert and participation with him, are hereby enjoined from: operating his mine, Brown’s Meadow Quarry until such time as he has fully corrected all cited and outstanding safety and health violations; extracting or processing in any form any granite for personal or commercial use until such time as an MSHA inspector has inspected his mine and verified that he is in compliance with all outstanding violations and related Orders; taking any action to impede or interfere with MSHA inspectors in completing their inspection duties.

Conrad Smith, doing business as Sullivan Granite Co., LLC, shall further contact Maine Safety Works (State of Maine Department of Safety – Augusta) to enlist its assistance in achieving full compliance with safety and health requirements of Federal Mine Safety regulations; and shall notify MSHA when he has fully corrected all cited and outstanding MSHA violations in order that MSHA can conduct a re-inspection to evaluate any and all corrective action.

Any failure by Conrad Smith, doing business as Sullivan Granite Co., LLC, his agents, employees, and all others in active concert and participation with him, to abide by the terms of this Order shall subject him to all appropriate sanctions of this Court.

The Court further ORDERS that the United States Marshal shall serve a copy of this Order by delivering the same to Conrad J. Smith by conspicuously posting the same at the quarry identified as Brown's Meadow Quarry at the end of Track Road, Sullivan, Maine 04664.

SO ORDERED.

/s/ John A. Woodcock, Jr.
John A. Woodcock, Jr.
Chief United States District Judge

Dated this 9th day of December, 2010.